



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2006 REGULAR SESSION

HOUSE BILL NO. 665

FRIDAY, MARCH 10, 2006

The following bill was reported to the Senate from the House and ordered to be printed.

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TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adles

AN ACT relating to coal-based production of hydrogen and electricity with minimum emissions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 Section 1. KRS 278.700 is amended to read as follows:

2 As used in KRS 278.700 to 278.716, unless the context requires otherwise:

3 (1) "Board" means the Kentucky State Board on Electric Generation and Transmission
4 Siting created in KRS 278.702;

5 (2) "Merchant electric generating facility" means, except for a qualifying~~[-cogeneration]~~
6 facility as defined in subsection (7) of this section, an electricity generating plant,
7 together with associated facilities, that:

8 (a) Is capable of operating at a capacity of ten megawatts (10MW) or more; and

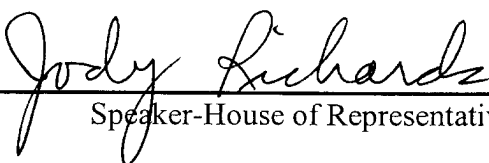
9 (b) Sells the electricity it produces in the wholesale market, at rates and charges
10 not regulated by the Public Service Commission;

11 (3) "Person" means any individual, corporation, public corporation, political
12 subdivision, governmental agency, municipality, partnership, cooperative
13 association, trust, estate, two (2) or more persons having a joint or common interest,
14 or any other entity, and no portion of KRS 224.10-280, 278.212, 278.214, 278.216,
15 278.218, and 278.700 to 278.716 shall apply to a utility owned by a municipality
16 unless the utility is a merchant plant as defined in this section;

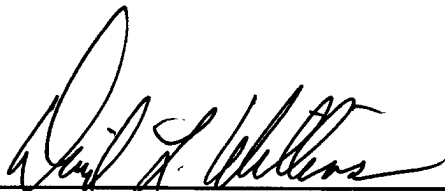
17 (4) "Commence to construct" means physical on-site placement, assembly, or
18 installation of materials or equipment which will make up part of the ultimate
19 structure of the facility. In order to qualify, these activities must take place at the
20 site of the proposed facility or must be site-specific. Activities such as site clearing
21 and excavation work will not satisfy the commence to construct requirements;

22 (5) "Nonregulated electric transmission line" means an electric transmission line and
23 related appurtenances for which no certificate of public convenience and necessity
24 is required; which is not operated as an activity regulated by the Public Service

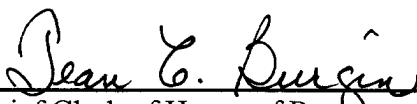
- 1 Commission; and which is capable of operating at or above sixty-nine thousand
2 (69,000) volts;
- 3 (6) "Residential neighborhood" means a populated area of five (5) or more acres
4 containing at least one (1) residential structure per acre; and
- 5 (7) "Qualifying~~[cogeneration]~~ facility" means a cogeneration facility as defined in 16
6 U.S.C. sec. 796(18)(b)~~[5]~~ which does not exceed a capacity of one hundred fifty
7 megawatts (150MW)~~[5]~~ that is located on site at a manufacturer's plant and that uses
8 steam from the cogeneration facility in its manufacturing process, or a facility
9 designed to achieve minimum emissions, built for demonstrating the feasibility of
10 producing electricity and hydrogen from coal, whose site has been determined
11 acceptable from an environmental impact perspective in a record of decision
12 published by the United States Department of Energy after January 1, 2006, and
13 that has received all applicable local planning and zoning approvals.



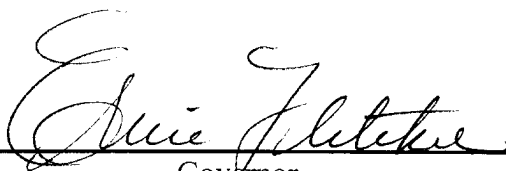
Speaker-House of Representatives



President of the Senate

Attest: 

Chief Clerk of House of Representatives

Approved 

Governor

Date 